



Sen. William E. Brady

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1 AMENDMENT TO SENATE BILL 918

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 918 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Emergency Management Agency Act is  
5 amended by adding Section 9.5 as follows:

6 (20 ILCS 3305/9.5 new)

7 Sec. 9.5. Local Government Distributive Fund; Income Tax  
8 Surcharge Local Government Distributive Fund.

9 (a) Notwithstanding any other provision of law, eligible  
10 applicants may apply to the Illinois Emergency Management  
11 Agency to receive distributions from the Local Government  
12 Distributive Fund as provided in subsection (c) of Section 2 of  
13 the State Revenue Sharing Act. Those distributions shall be  
14 used to reimburse the eligible applicant for eligible costs  
15 incurred as a result of a disaster when the Federal Emergency  
16 Management Agency has denied a request for financial assistance

1 for that eligible applicant. Upon approval of an application,  
2 the Director of the Illinois Emergency Management Agency shall  
3 certify the amount of the distributions to the Department of  
4 Revenue for payment in accordance with subsection (c) of  
5 Section 2 of the State Revenue Sharing Act. Eligible applicants  
6 shall provide the Illinois Emergency Management Agency with any  
7 information the Illinois Emergency Management Agency may  
8 reasonably require with respect to those eligible costs.

9 (b) As used in this Section:

10 "Eligible applicant" means: (1) a county that has been  
11 designated as a disaster area by the Governor of the State of  
12 Illinois and (A) has eligible costs of at least \$100 per capita  
13 or (B) has eligible costs that meet or exceed the county per  
14 capita threshold set forth by the Federal Emergency Management  
15 Agency if the statewide total of eligible costs associated with  
16 the disaster is at least \$5,000,000; (2) a township,  
17 municipality, school district, or special district located  
18 within such a county; or (3) a municipality that does not  
19 qualify under item (1) or (2) that has eligible costs of at  
20 least \$100 per capita.

21 "Eligible costs" means costs associated with any of the  
22 following:

23 (1) debris removal, including clearance of trees and  
24 woody debris, building wreckage, damaged or destroyed  
25 building contents, sand, mud, silt, gravel, vehicles, and  
26 other disaster-related material deposited on public land;

1           (2) emergency protective measures taken before,  
2           during, or after the disaster to eliminate or reduce an  
3           immediate threat to life, public health, or safety, or to  
4           eliminate or reduce an immediate threat of significant  
5           damage to improved public or private property through cost  
6           effective measures;

7           (3) restoration of roads, bridges, and associated  
8           features, such as shoulders, culverts, lighting, and  
9           signs;

10           (4) restoration of water control facilities, including  
11           drainage channels, pumping facilities, and irrigation  
12           facilities; this item (4) does not apply to water control  
13           facilities under the authority of a federal agency;

14           (5) restoration or replacement of heavy equipment,  
15           vehicles, and buildings, including the contents and  
16           systems of the buildings;

17           (6) restoration of water treatment and delivery  
18           systems, power generation facilities, and distribution  
19           facilities, sewage collection and treatment facilities,  
20           and communications; or

21           (7) restoration of parks, playgrounds, pools,  
22           cemeteries, mass transit facilities, and beaches.

23           Snow removal costs are not considered "eligible costs".

24           Section 10. The State Revenue Sharing Act is amended by  
25           changing Section 2 as follows:

1 (30 ILCS 115/2) (from Ch. 85, par. 612)

2 Sec. 2. Allocation and Disbursement.

3 (a) As soon as may be after the first day of each month,  
4 the Department of Revenue shall allocate among the several  
5 municipalities and counties of this State the amount available  
6 in the Local Government Distributive Fund and in the Income Tax  
7 Surcharge Local Government Distributive Fund, determined as  
8 provided in Sections 1 and 1a above. Except as provided in  
9 Sections 13 and 13.1 of this Act, the Department shall then  
10 certify such allocations to the State Comptroller, who shall  
11 pay over to the several municipalities and counties the  
12 respective amounts allocated to them. Except as provided in  
13 subsection (c), the ~~The~~ amount of such Funds allocable to each  
14 such municipality and county shall be in proportion to the  
15 number of individual residents of such municipality or county  
16 to the total population of the State, determined in each case  
17 on the basis of the latest census of the State, municipality or  
18 county conducted by the Federal government and certified by the  
19 Secretary of State and for annexations to municipalities, the  
20 latest Federal, State or municipal census of the annexed area  
21 which has been certified by the Department of Revenue.  
22 Allocations to the City of Chicago under this Section are  
23 subject to Section 6 of the Hotel Operators' Occupation Tax  
24 Act. For the purpose of this Section, the number of individual  
25 residents of a county shall be reduced by the number of

1 individuals residing therein in municipalities, but the number  
2 of individual residents of the State, county and municipality  
3 shall reflect the latest census of any of them. The amounts  
4 transferred into the Local Government Distributive Fund  
5 pursuant to Section 9 of the Use Tax Act, Section 9 of the  
6 Service Use Tax Act, Section 9 of the Service Occupation Tax  
7 Act, and Section 3 of the Retailers' Occupation Tax Act, each  
8 as now or hereafter amended, pursuant to the amendments of such  
9 Sections by Public Act 85-1135, shall be distributed as  
10 provided in said Sections.

11 (b) It is the intent of the General Assembly that  
12 allocations made under this Section shall be made in a fair and  
13 equitable manner. Accordingly, the clerk of any municipality to  
14 which territory has been annexed, or from which territory has  
15 been disconnected, shall notify the Department of Revenue in  
16 writing of that annexation or disconnection and shall (1) state  
17 the number of residents within the territory that was annexed  
18 or disconnected, based on the last census conducted by the  
19 federal, State, or municipal government and certified by the  
20 Illinois Secretary of State, and (2) furnish therewith a  
21 certified copy of the plat of annexation or, in the case of  
22 disconnection, the ordinance, final judgment, or resolution of  
23 disconnection together with an accurate depiction of the  
24 territory disconnected. The county in which the annexed or  
25 disconnected territory is located shall verify that the number  
26 of residents stated on the written notice that is to be sent to

1 the Department of Revenue is true and accurate. The verified  
2 statement of the county shall accompany the written notice.  
3 However, if the county does not respond to the municipality's  
4 request for verification within 30 days, this verification  
5 requirement shall be waived. The written notice shall be  
6 provided to the Department of Revenue (1) within 30 days after  
7 the effective date of this amendatory Act of the 96th General  
8 Assembly for disconnections occurring after January 1, 2007 and  
9 before the effective date of this amendatory Act of the 96th  
10 General Assembly or (2) within 30 days after the annexation or  
11 disconnection for annexations or disconnections occurring on  
12 or after the effective date of this amendatory Act of the 96th  
13 General Assembly. For purposes of this Section, a disconnection  
14 or annexation through court order is deemed to be effective 30  
15 days after the entry of a final judgment order, unless stayed  
16 pending appeal. Thereafter, the monthly allocation made to the  
17 municipality and to any other municipality or county affected  
18 by the annexation or disconnection shall be adjusted in  
19 accordance with this Section to reflect the change in residency  
20 of the residents of the territory that was annexed or  
21 disconnected. The adjustment shall be made no later than 30  
22 days after the Department of Revenue's receipt of the written  
23 notice of annexation or disconnection described in this  
24 Section.

25 (c) Notwithstanding any other provision of law, upon  
26 certification by the Director of the Illinois Emergency

1 Management Agency, moneys in the Local Government Distributive  
2 Fund shall also be used for the purpose of reimbursing eligible  
3 applicants for eligible costs incurred as a result of a  
4 disaster. Beginning with the first distribution to occur after  
5 the Department of Revenue receives a certification from the  
6 Director of the Illinois Emergency Management Agency under  
7 Section 9.5 of the Illinois Emergency Management Agency Act,  
8 the amount paid to each county and municipality under  
9 subsection (a) of this Section and Section 6z-17 of the State  
10 Finance Act, including amounts that would normally be paid  
11 directly into a designated escrow account under Section 13 of  
12 this Act, shall be reduced by an amount equal to the amount  
13 certified by the Director of the Illinois Emergency Management  
14 Agency multiplied by a fraction the numerator of which is the  
15 total amount that would otherwise be paid to that municipality  
16 or county from the Local Government Distributive Fund during  
17 that month and the denominator of which is the total amount  
18 available in that fund for distribution to counties and  
19 municipalities during that month. The amount paid to each  
20 eligible applicant shall then be increased by the amount shown  
21 in the certification from the Director of the Illinois  
22 Emergency Management Agency for that eligible applicant. If in  
23 any calendar month the amount certified by the Director of the  
24 Illinois Emergency Management Agency exceeds the amount  
25 available in the Local Government Distributive Fund for  
26 distribution to counties and municipalities, then the

1 reductions and increases under this subsection (c) shall  
2 continue in subsequent months until all certified amounts are  
3 paid. Payments shall be made to eligible applicants based on  
4 the order in which the applications are approved by the  
5 Illinois Emergency Management Agency.

6 For the purposes of this subsection (c), the term  
7 "disaster" has the meaning ascribed to that term in Section 4  
8 of the Illinois Emergency Management Agency Act, and the terms  
9 "eligible applicant" and "eligible costs" have the meanings  
10 ascribed to those terms in Section 9.5 of the Illinois  
11 Emergency Management Agency Act.

12 (Source: P.A. 96-1040, eff. 7-14-10.)

13 Section 90. The State Mandates Act is amended by adding  
14 Section 8.39 as follows:

15 (30 ILCS 805/8.39 new)

16 Sec. 8.39. Exempt mandate. Notwithstanding Sections 6 and 8  
17 of this Act, no reimbursement by the State is required for the  
18 implementation of any mandate created by this amendatory Act of  
19 the 99th General Assembly.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law."